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10/579,211	05/12/2006	Toshihiko Shirasagi	SON-3162	6592

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RADER FISHMAN & GRAUER PLLC  
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1233 20TH STREET N.W., SUITE 501  
WASHINGTON, DC 20036

EXAMINER
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VERDERAME, ANNA L

ART UNIT	PAPER NUMBER
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1795

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02/19/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Mailed:

FEB 19 2010

In re application of

Shirasagi et al.

Serial No. 10/579,211

Filed: May 12, 2006

For: Manufacturing Method Of Master Disc For Optical Disc,  
And Master Disc For Optical Disc

DECISION ON  
PETITION

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on December 14, 2009 to withdraw the final status of the office action dated November 4, 2009.

A review of the file shows that a Non-Final Office Action was mailed September 3, 2008. Claims 1-2, 4-5, 8 and 10 were rejected over Kouchiyama et al. '88 or Kouchiyama et al, '99 in view of Miura et al. An additional 103 rejection was made to claims 1-10 over Kouchiyama et al. '88 or Kouchiyama et al, '99 in view of Saito et al., Yamada et al. and Lee et al.

Applicants responded to this rejection on December 3, 2008. Claims 1 and 7 were amended and claims 2, 3, 8 and 9 were cancelled.

The Examiner issued a Final Rejection on February 18, 2009. Claims 1, 4-7 and 10 were rejected under 35 USC 103 over Kouchiyama et al. '88 or Kouchiyama et al, '99 in view of Saito et al., Yamada et al. and Lee et al. Paragraph 2 of the Final Office Action dated February 18, 2009 cites the same rejection as paragraph 3 of the Non-Final Office Action dated September 3, 2008.

Applicants assert that paragraph 2 of the Non-Final Office Action dated September 3, 2008 failed to include a rejection of either original claim 3 or original claim 9. However it should be noted that paragraph 3 does reject claims 1-10, which encompasses original claim 3 and original claim 9.

Applicants assert that the Final Office Action of November 4, 2009 includes a new ground of rejection to claim 1 and 7. The Office Action of November 4, 2009 rejects claims 1, 4-7 and 10 under 35 USC 103 over Kouchiyama et al. '88 in view of Saito et al., Yamada et al. and Lee et al. Applicants assert that Kouchiyama '88 was substituted for Kouchiyama '91. A review of the record doesn't indicate a substitution. The previous rejection was Kouchiyama "88 or Kouchiyama '91 in view of Saito et al., Yamada et al. and Lee et al. There is no substitution of references.

Applicants also assert that the Notice of Panel Decision decided the finality of claims 1 and 7 with the Final office Action of February 18, 2009 to be premature and withdrawn. The record only indicates the rejection is withdrawn and a new Office action will be mailed.

DECISION

The petition for withdrawal of finality is **DENIED.**

The response period will continue to run from the mail date of the office action of November 4, 2009.

/Jacqueline M. Stone/

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